

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WINDSTREAM	)	
KENTUCKY EAST, LLC FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY AUTHORIZING THE	)	CASE NO. 2008-00325
APPLICANT TO OBTAIN A FRANCHISE	)	
TO PROVIDE TELECOMMUNICATIONS	)	
AND RELATED SERVICES IN FAYETTE	)	
COUNTY, KENTUCKY	)	

O R D E R

On August 6, 2008, Windstream Kentucky East, LLC ("Windstream") applied to the Commission, pursuant to KRS 278.020, for a Certificate of Public Convenience and Necessity ("CPCN") to enter into a franchise agreement with the Lexington-Fayette Urban County Government ("LFUCG") to provide telecommunications and related services in Fayette County, Kentucky. Windstream states that it has provided telecommunications and related services in Fayette County since 2002 and that the public convenience and necessity require that these services be continued.

Under the provisions of KRS 278.020(4), no utility may enter into a franchise agreement with any governmental agency until it has obtained a CPCN from this Commission based on our finding that there is a need and demand for the services to be rendered.

The Commission finds from the ordinance attached to Windstream's application that there is evidence of a need and demand for telecommunications and related

services in Fayette County. As the Commission's authority is limited by statute to finding only whether there is evidence of a need and demand for such services, no finding or determination is made as to the qualifications of Windstream, the validity of any of the provisions of the franchise agreement offered by LFUCG, or the manner in which any franchise fee is to be treated for rate purposes.

IT IS THEREFORE ORDERED that:

1. Windstream is granted a CPCN to enter into a franchise agreement with LFUCG to provide telecommunications and related services in Fayette County, Kentucky.
2. Windstream shall file with this Commission two copies of the executed franchise agreement.
3. This Order shall not be construed as granting a CPCN to construct utility facilities in Fayette County, Kentucky.

Done at Frankfort, Kentucky, this 19<sup>th</sup> day of August, 2008.

By the Commission

ATTEST.

  
Executive Director